

Town of Milton
Town Council Meeting Minutes
March 1, 2004

7:00 p.m. – PUBLIC HEARING on Zoning Ordinance and Map

Councilmembers present: Mayor Bushey; Councilwoman Betts; Councilman Hudson; Councilwoman Parker; Councilwoman Melson; Councilman Fleetwood; and Councilman Prettyman.

Mr. Evans reported that the changes have been made as discussed at the last meeting. The Adhoc Committee put in over 400 hours. They did a great job. It is an easy to understand, readable document. The official map is here on the easel; ready for signatures.

Mr. Evans recommended adopting as planned.

The floor was opened for public questions and/or comments. Questions were asked by Pret Dyer and Libby Zando and answered.

The public hearing was closed at 7:07 p.m.

Mr. Evans thanked Mayor and Council and those on the Adhoc Committee for their time and lost meals and family time.

7:15- 7:28 p.m. OPEN FLOOR:

Bob Blayney of 210 Chandler asked question regarding the policy on the distribution of the remaining EDU's. He read from his letter.

Don Post spoke regarding the moratorium. He would like Council to continue it. We are not ready to lift it. There have not been enough studies on infrastructure, etc. He wants to see it kept in place until we have our business in line.

7:28 – 7:30 p.m. RECESS

Ed Harris stated that Rosanne Pack and Kenny Workman's house burned to the ground. Mark Dissinger (422-2327) of 2nd Street Players is taking donations to get them back on their feet.

Charlie Fleetwood thanked the Police Department, Fire Department, and Sussex County EMS for their attention to his recent health problems and his wife's call to 911.

Mayor John F. Bushey called the regular meeting to order at 7:30 p.m. at the Fire Hall on Front Street.

Councilwoman Betts offered the opening prayer.

Mayor Bushey called the roll.

PRESENT: Mayor John Bushey
Councilwoman Leah Betts
Councilman Jerry Hudson
Councilwoman Stephanie Parker
Councilwoman Ronda Melson
Councilman Charles Fleetwood
Councilman Noble Prettyman

Others Present: Jocelyn Jenkins, Town Clerk
Dawn Johnson, Town Secretary
Eric Evans, Code Enforcer
Stephanie Coulbourne, Finance Clerk
Allen Atkins, Town Maintenance
William Phillips, Police Chief
Bob Kerr, Engineer
Scott Hoffman, Engineer
Tim Willard, Town Attorney

Presentation and Approval of Minutes

The minutes for the February meeting were distributed today and will be approved at the next monthly meeting.

Approval of Treasurer's Report

Councilman Hudson made a **motion** to approve the treasurer's report in printed form, seconded by Councilwoman Betts.

Motion carried – "Aye"

It was also noted that Council should advise Stephanie Coulbourne how to invest the money.

Presentation and Approval of Monthly Bills

There was an additional bill in the amount of \$10,102.50 for Intercon Truck Equipment for repairs to the dump truck and replacement of the snowplow.

Councilman Fleetwood made a **motion** to pay the monthly bills as money becomes available and **to pay for the dump truck repairs and snowplow replacement out of municipal street aid (in the amount of \$10,102.50)**, seconded by Councilman Prettyman.

Motion carried – "Aye"

Committee Reports

Sewer & Water – Councilwoman Melson reported that the committee met on February 24 to discuss the EDU purchase, annexation fees, round pole branch, and improving the existing plant vs. building a new one. She complimented Robin Davis and the Committee on the work done.

Streets & Sidewalks – Councilwoman Betts reported that the committee is meeting on March 5 to discuss lighting on Governor’s Walk and the proposal regarding parking on one side only of Chestnut Street.

Ordinance – Mr. Evans recommended that Chapter 3, Advertising be deleted. The Animal Control Ordinance will be discussed later in the meeting.

Personnel – Councilwoman Parker reported that an Executive Session is necessary tonight.

Pension – No report.

Parks & Recreation – Councilman Fleetwood reported that donations are coming in for the Concert in the Park series.

Economic Development – No report.

Planning & Zoning – No report.

Election – Neva Baker reminded everyone that the election is March 6.

Milton Development Corporation – No report.

Board of Adjustment – No report.

Finance – No report.

200th Anniversary – Councilman Fleetwood gave an update.

Written Reports

Maintenance Report

Councilman Fleetwood made a **motion** to approve the report from the Maintenance Department, seconded by Councilman Prettyman.

Mr. Atkins reported that on Friday, we lost both pumps, one is back up; the other will be back up and running in about 4 weeks.

The question was called on the motion.

Motion carried – “Aye”

Code Enforcer Report

Councilwoman Parker made a **motion**, seconded by Councilwoman Melson, to approve the Code Enforcer's Report.

Motion carried – “Aye”

Police Department Report

Councilman Fleetwood made a **motion**, seconded by Councilwoman Parker, to approve the Police Department Report.

Motion carried – “Aye”

Town Clerk Report

Councilman Fleetwood made a **motion** to approve the Town Clerk's report, seconded by Councilman Prettyman.

Councilman Hudson asked Mrs. Jenkins if DelDOT is still going to rotomill Union Street. Mrs. Jenkins answered that she has not gotten an answer and will follow up with DelDOT.

Councilwoman Parker asked a question regarding the Town website.

Mayor Bushey asked Mrs. Jenkins if we have been able to secure insurance. Mrs. Jenkins stated not yet. Mayor Bushey stated that Mrs. Jenkins should consider contacting other agencies than State of Delaware firms. Mrs. Jenkins stated that the main concerns thus far have been the boat docks or the number of police cars.

Mayor Bushey asked Mrs. Jenkins if the PA system has been orders. Mrs. Jenkins is working on that.

The question was called on the motion.

Motion carried – “Aye”

Correspondence

Councilwoman Melson read letters from:

- 1.) Red Cross – asking that the Town proclaim March as Red Cross month.
- 2.) Happy Harry's – informing that the Grand Opening is March 3 at 9:00 a.m.
- 3.) Cannery Village – making an offer of a building for the Police Department.
(The Committee will meet with Cannery Village to discuss.)
- 4.) John O'Day – commending Police Department and Police Officers.

Old Business

Adoption of Zoning Ordinance, Map, and Comprehensive Rezoning

Councilman Fleetwood made a **motion** to adopt, seconded by Councilman Prettyman.

Motion carried – “Aye”

Mayor and Council thanked everyone involved for their time and diligence.

Mulberry Preliminary Plan Presentation

Joe Cantalupo and Jeff Niezgoda of DelDOT gave an update and preliminary plan presentation.

Status of Moratorium

Councilman Fleetwood stated that he would like to lift the rezoning part on current property in Town because we are prepared with the adoption of the zoning ordinance, but he has concerns regarding the EDU’s and lifting the moratorium on annexation.

Councilman Fleetwood made a **motion** to lift the rezoning moratorium for property within the current Town boundaries, but the leave the annexation portion in place until plans for a Wastewater Treatment Plant are in place. The motion was seconded by Councilman Hudson.

Councilman Hudson commented that we are still doing the study for a plant. He would like to see the Town grow, but we need to take care of those already here.

The question was called on the motion by roll call vote.

Councilman Prettyman – Aye
Councilman Fleetwood – Aye
Councilwoman Betts – Aye
Councilwoman Melson – Aye
Councilman Hudson – Aye
Councilwoman Parker – Aye
Mayor Bushey – Aye

Motion carried – “Aye”

Councilwoman Parker noted that with regard to the moratorium on annexation, something has to be done tonight.

Councilman Prettyman asked if we lift the moratorium if we are able to handle the impact? He doesn't want to lift it at this time. We need a sewer plant. It would be an injustice if they come in and we can't provide sewer. We need to confer more with Mr. Kerr regarding this.

Councilwoman Betts asked if we revisit the annexation moratorium again in 6 months if that is fair?

Councilman Hudson stated that we should wait until the preliminary study is done. 36 EDU's left after all are committed enough. He thinks we should plan for the worst and hope for the best.

Councilwoman Betts made a **motion** to extend the annexation moratorium for 6 months, seconded by Councilman Prettyman.

Councilwoman Parker asked if Town Council is still open to lifting the annexation moratorium earlier if the study is complete and appropriate information is available?

Councilwoman Betts stated if we have information available, it can be brought back up and Council can consider lifting it.

Mr. Willard noted that it could be dissolved at any time.

After discussion, Councilwoman Betts asked to revise her motion with Councilman Prettyman's approval.

Councilwoman Betts made a **motion** to extend the moratorium on annexations except those involving streets for public safety reasons. Councilman Prettyman seconded the motion.

Roll call vote –

Councilman Hudson – Aye

Councilwoman Parker – Aye

Councilwoman Melson – Aye

Councilman Prettyman – Aye

Councilman Fleetwood – Aye

Councilwoman Betts – Aye

Mayor Bushey – Aye

Sewer Reservation Letter

Bob Kerr reported that the Committee discussed the draft done by Mr. Willard.

Councilman Hudson made a **motion** to adopt the letter to developers who have at least preliminary approval, seconded by Councilwoman Betts.

Mayor Bushey read the letter aloud.

Councilman Hudson amended his motion and Councilwoman Betts agreed. Councilman Hudson made a motion to include in his original motion “allow developers to appear before Town Council within the 60 day time period to arrange financing and/or extend the time allotment.

This item was tabled until later in the meeting.

New Business

Milton Garden Club – Banners for Downtown

Mrs. Boettger reported that the Garden Club has committed \$3000 to purchase of 13 banners to be placed on Union Street from Broad Street to the library and on Federal Street from Front Street to Mulberry Street. The Garden Club will purchase them, but would like to have the Town install them. She asked that the Town secure permission from Conectiv.

Councilman Fleetwood made a **motion** to contact Conectiv on behalf of the Garden Club and ask that they allow the banners. Councilwoman Betts seconded the motion.

Motion carried – “Aye”

No Parking Extension on Chestnut Street

This will be discussed in committee.

Horseshoe Crab Designation

There was discussion about designating the horseshoe crab as the Town Marine animal in conjunction with the Horseshoe Crab Festival.

Cannery Village LPD Variance Request

Councilman Hudson made a **motion**, seconded by Councilman Parker (and Councilwoman Parker) to accept Planning & Zoning’s recommendation regarding the variance request.

Motion carried – “Aye”

Adoption of Chapter 4, Animal Ordinance

This will be on the April agenda.

Memorandum of Understanding with State regarding PLUS (Preliminary Land Use Service)

This will be on the April agenda.

Partition Request for Cannery Village for Cannery Village Center

Councilman Hudson made a **motion** to grant the request, seconded by Councilwoman Parker.

Motion carried – “Aye”

Minor Subdivision Request from Cannery Village for parcels located along Chestnut Street

Mr. Dvornick reported that this request is for 511 to 517 Chestnut Street.

Councilwoman Parker made a **motion** to forward this request to Planning & Zoning, seconded by Councilman Prettyman.

Motion carried – “Aye”

Proposed Property Being Developed within Town’s Potential Annexation Area-Route 30

Mr. Evans reported on this agenda item.

Mr. Evans and Mr. Willard will attend the Sussex County Planning and Zoning meeting later this week.

Round Pole Branch Water and Sewer Changeorder – Scott Hoffman

Councilman Hudson made a **motion** to approve the changeorder. Councilwoman Melson seconded the motion.

Motion carried – “Aye”

Wastewater SRF Allocation – Bob Kerr

Mr. Kerr reported that the check should be issued in 2 to 3 weeks. That money will pay for the centrifuge.

Annexation Impact Fee Ordinance – Bob Kerr

This will be on the April agenda.

Investing of Money

Councilman Fleetwood made a **motion** to accept Stephanie Coulbourne’s recommendation to place the money in a CD at Citizen’s Bank. The motion was seconded by Councilwoman Betts.

Motion carried – “Aye”

Deletion of Chapter 3 – Advertising

Councilman Prettyman made a **motion** to delete this section, seconded by Councilman Hudson (and Councilwoman Parker).

Motion carried – “Aye”

Gas Pump vs. Gas Cards

Councilwoman Parker made a **motion** to have the Chief’s and other Town vehicles participate in the plan Chief Phillips proposed, seconded by Councilman Fleetwood.

Motion carried – “Aye”

Scheduling of Workshop Meeting

Councilwoman Betts made a **motion** to have a workshop on Monday, March 15, 2004 at 7:00 p.m. at Town Hall. Councilwoman Melson seconded the motion.

Motion carried – “Aye”

Buffer at Wastewater Plant

It was suggested that Council look into getting Leland Pines to go around the sewer plant.

There was also a question regarding the buffer at Food Lion.

Sewer Reservation Letter

This item will be on the April agenda.

Memorandum of Understanding with State regarding PLUS

Mr. Evans passed out the MOU and asked that comments be given to him by March 5 to be incorporated into the MOU.

Councilman Fleetwood made a **motion** for the Mayor to sign it after comments were incorporated by Mr. Evans, seconded by Councilman Prettyman.

Motion carried – “Aye”

Executive Session

Councilman Fleetwood made a **motion** to go into Executive Session to discuss personnel, seconded by Councilwoman Melson.

Motion carried – “Aye”

Council went into Executive Session at 10:01 p.m.

Councilwoman Parker made a ***motion*** to end the Executive Session and adjourn the meeting at 10:44 p.m., seconded by Councilman Hudson.

Motion carried – “Aye”

Respectfully submitted,

Dawn Johnson
Administrative Assistant

:3/31/04